

§ 80.5

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or property of any gasoline or detergent distributor, carrier, or importer; or any place where gasoline or detergent is stored; and shall have the right to make inspections, take samples, obtain information and records, and conduct tests to determine compliance with the requirements of this part.

[61 FR 35356, July 5, 1996]

§ 80.5 Penalties.

Any person who violates these regulations shall be liable to the United States for a civil penalty of not more than the sum of \$25,000 for every day of such violation and the amount of economic benefit or savings resulting from the violation. Any violation with respect to a regulation proscribed under section 211(c), (k), (l) or (m) of the Act which establishes a regulatory standard based upon a multi-day averaging period shall constitute a separate day of violation for each and every day in the averaging period. Civil penalties shall be assessed in accordance with section 205(b) and (c) of the Act.

[58 FR 65554, Dec. 15, 1993]

§ 80.7 Requests for information.

(a) When the Administrator, the Regional Administrator, or their delegates have reason to believe that a violation of section 211(c) or section 211(n) of the Act and the regulations thereunder has occurred, they may require any refiner, distributor, wholesale purchaser-consumer, or retailer to report the following information regarding receipt, transfer, delivery, or sale of gasoline represented to be unleaded gasoline and to allow the reproduction of such information at all reasonable times.

(1) For any bulk shipment of gasoline represented to be unleaded gasoline which is transferred, sold, or delivered within the previous 6 months by a refiner or a distributor to a distributor, wholesale purchaser-consumer or a retail outlet, the refiner or distributor shall maintain and provide the following information as applicable:

(i) Business or corporate name and address of distributors, wholesale purchaser-consumers or retail outlets to which the gasoline has been transferred, sold, or delivered.

(ii) Quantity of gasoline involved.

(iii) Date of delivery.

(iv) Storage location of gasoline prior to transit via delivery vessel (e.g., location of a bulk terminal).

(v) Business or corporate name and address of the person who delivered the gasoline.

(vi) Identification of delivery vessel (e.g., truck number). This information shall be supplied by the person in paragraph (a)(1)(v) of this section who performed the delivery, e.g., common or contract carrier.

(2) For any bulk shipment of gasoline represented to be unleaded gasoline received by a retail outlet or a wholesale-purchaser-consumer facility within the previous 6 months, whether by purchase or otherwise, the retailer or wholesale purchaser-consumer shall maintain accessibility to and provide the following information:

(i) Business or corporate name and address of the distributor.

(ii) Quantity of gasoline received.

(iii) Date of receipt.

(b) Upon request by the Administrator, the Regional Administrator, or their delegates, any retailer shall provide documentation of his annual total sales volume in gallons of gasoline for each retail outlet for each calendar year beginning with 1971.

(c) Any refiner, distributor, wholesale purchaser-consumer, retailer, or importer shall provide such other information as the Administrator or his authorized representative may reasonably require to enable him to determine whether such refiner, distributor, wholesale purchaser-consumer, retailer, or importer has acted or is acting in compliance with sections 211(c) and 211(n) of the Act and the regulations thereunder and shall, upon request of the Administrator or his authorized representative, produce and allow reproduction of any relevant records at all reasonable times. Such information may include but is not limited to records of unleaded gasoline inventory at a wholesale purchaser-consumer facility or a retail outlet, unleaded pump meter readings at a wholesale purchaser-consumer facility or a retail outlet, and receipts providing the date of acquisition of signs, labels, and nozzles required by § 80.22.

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No person shall be required to furnish information requested under this paragraph if he can establish that such information is not maintained in the normal course of his business.

(Secs. 211, 301, Clean Air Act, as amended (42 U.S.C. 1857f-6c, 1857g))

[40 FR 36336, Aug. 20, 1975, as amended at 42 FR 45307, Sept. 9, 1977; 47 FR 49332, Oct. 29, 1982; 61 FR 3837, Feb. 2, 1996]

§ 80.8 Sampling methods for gasoline and diesel fuel.

The sampling methods specified in this section shall be used to collect samples of gasoline and diesel fuel for purposes of determining compliance with the requirements of this part.

(a) *Manual sampling.* Manual sampling of tanks and pipelines shall be performed according to the applicable procedures specified in American Society for Testing and Materials (ASTM) method D 4057-95(2000), entitled "Standard Practice for Manual Sampling of Petroleum and Petroleum Products."

(b) *Automatic sampling.* Automatic sampling of petroleum products in pipelines shall be performed according to the applicable procedures specified in ASTM method D 4177-95(2000), entitled "Standard Practice for Automatic Sampling of Petroleum and Petroleum Products."

(c) *Sampling and sample handling for volatility measurement.* Samples to be analyzed for Reid Vapor Pressure (RVP) shall be collected and handled according to the applicable procedures in ASTM method D 5842-95(2000), entitled "Standard Practice for Sampling and Handling of Fuels for Volatility Measurement."

(d) *Sample compositing.* Composite samples shall be prepared using the applicable procedures in ASTM method D 5854-96(2000), entitled "Standard Practice for Mixing and Handling of Liquid Samples of Petroleum and Petroleum Products."

(e) *Incorporations by reference.* ASTM standard practices D 4057-95(2000), D 4177-95(2000), D 5842-95(2000), and D 5854-96(2000), are incorporated by reference. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be

obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959. Copies may be inspected at the Air Docket Section (LE-131), room M-1500, U.S. Environmental Protection Agency, Docket No. A-97-03, 401 M Street, SW., Washington, DC 20460, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

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[67 FR 8736, Feb. 26, 2002]

§ 80.9 Rounding a test result for determining conformance with a fuels standard.

(a) For purposes of determining compliance with the fuel standards of 40 CFR part 80, a test result will be rounded to the nearest unit of significant digits specified in the applicable fuel standard in accordance with the rounding method described in the ASTM standard practice, ASTM E 29-02¹, entitled, "Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications".

(b) ASTM standard practice, E 29-02¹ is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Dr., West Conshohocken, PA 19428-2959. Copies may be inspected at the Air Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

[71 FR 16499, Apr. 3, 2006]